

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

GREGORY NUMANN,

Plaintiff,

v.

FEDERAL BUREAU OF  
INVESTIGATION,

Defendant.

Case No. 3:22-cv-00178-JMK

**ORDER GRANTING PLAINTIFF'S MOTION FOR STAY**

Self-represented prisoner, Gregory Numann ("Plaintiff") brought this Freedom of Information Act (FOIA) action seeking an order compelling Defendant to produce certain records as requested by Plaintiff.<sup>1</sup> On June 29, 2023, Plaintiff filed a motion to stay this action pending the outcome of his motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 ("2255 Motion").<sup>2</sup> Defendant did not file a response to Plaintiff's motion to stay.<sup>3</sup> The failure to respond to a non-dispositive motion subjects the motion to summary ruling by the court and may be deemed an admission that the motion is well taken.<sup>4</sup>

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<sup>1</sup> Docket 1.

<sup>2</sup> Docket 20.

<sup>3</sup> See Alaska L. Civ. R. 7.1(b) (requiring oppositions to all motions other than motions to dismiss and motions for summary judgment to be filed within 14 days of service).

<sup>4</sup> Alaska L. Civ. R. 7.1(h).

District courts have broad discretion in deciding whether to stay a case.<sup>5</sup> In determining whether to enter a stay, the court must consider the competing interests at stake, including (1) “the possible damage which may result from the granting of a stay,” (2) “the hardship or inequity which a party may suffer in being required to go forward,” and (3) “the orderly course of justice measured in terms of the simplifying or complicating of issues, proof, and questions of law which could be expected to result from a stay.”<sup>6</sup> In addition, “Courts in this district have routinely granted stays where there are overlapping issues of fact or law with a case before different district courts or on appeal.”<sup>7</sup>

The non-opposed Motion to Stay Proceedings at **Docket 20 is GRANTED**. This matter is STAYED pending the outcome of Plaintiff’s 2255 Motion. Plaintiff shall file a status report **every 3 months** from the date of this Order to update this Court on the status of those proceedings.

DATED this 20th day of July, 2023 at Anchorage, Alaska.

/s/ Joshua M. Kindred  
JOSHUA M. KINDRED  
UNITED STATES DISTRICT JUDGE

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<sup>5</sup> See *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) (“[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”).

<sup>6</sup> *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962) (citing *Landis*, 299 U.S. at 254–55).

<sup>7</sup> *Vance v. Google LLC*, No. 5:20-CV-04696-BLF, 2021 WL 534363, at \*3 (N.D. Cal. Feb. 12, 2021) (collecting cases).